# Exhibit "A"

#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

GERALD RUHNOW; CONNIE RUHNOW,	)			
PLAINTIFFS,	)			
V.	) )	CIVIL	ACTION:	2:05-cv-527-F
LANE HEARD TRUCKING, LLC, et al.,	) ) )			
DEFENDANTS.	)			

### **PLAINTIFFS' INITIAL DISCLOSURES**

Come now the plaintiffs in the above styled case and pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Rule 26.1(a) and hereby submits the following initial disclosures:

The name of each individual believed by it to have discoverable, A. non-privileged, personal knowledge concerning any significant factual issue in this case, appropriately indicating the subjects about which the person has such knowledge.

GERALD RUHNOW - is the plaintiff. He has knowledge of the facts in his complaint, and the injuries/damages he has suffered as a result of the actions of the defendants.

CONNIE RUHNOW - is also a plaintiff in this action and the wife of Gerald Ruhnow. She has knowledge of the facts in the complaint, and the injuries/damages she and her husband have suffered as a result of the actions of the defendants.

REPRESENTATIVE FROM DEFENDANT LANE HEARD TRUCKING,

LLC - who is most knowledgeable of the facts in Plaintiffs' complaint.

REPRESENTATIVE OF THE ESTATE OF MICHAEL DUKE - has the knowledge of the facts in Plaintiffs' complaint.

<u>CHRISTY LEANN CHAMPION</u> - is one of the defendants and has knowledge of the facts in Plaintiffs' complaint.

MICHAEL ATKINS - has knowledge of the facts in Plaintiffs' complaint.

BARBARA A. LATENSER, MD - Gerald Ruhnow's physician in Iowa, has knowledge of his current medical condition. See attached medical records.

JAMES M. CROSS, MD - Gerald Ruhnow's attending physician at UAB Burn Center in March 2005, and has knowledge of his medical condition. See attached medical records.

RANDALL MULLIN, MD - Gerald Ruhnow's family physician in Iowa and has knowledge of his current medical condition. See attached medical records.

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BETH EGAN O'KEEFE, PHD- Gerald Ruhnow's clinical psychologist who has knowledge of Plaintiff's medical condition. See attached report.

B. Make available to other parties under Rule 34 F.R.C.P. all documents, data compilations and tangible things that may be used to support contentions in this case.

Please see attached:

Medical Records on Gerald Ruhnow to date;

Photographs of Gerald Ruhnow's injuries taken on 3/29/2005;

Accident Photographs from Alabama Department of Transportion;

Affidavit of Gene Richardson;

Accident Report.

Plaintiffs reserve the right to supplement responses.

C. Computation of damages claimed.

Damages in this case are properly assessed by a jury, as requested in plaintiff's complaint.

Production of Insurance Agreements in Question. D.

Defendants are in possession of applicable insurance policies.

Respectfully submitted,

Stephen D. Heninger [ASB5227E68S]

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of October, 2005, I electronically filed the foregoing with the via United States Mail to the following:

J. Burruss Riis, Esq.

HAND ARENDALL, LLC

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Case 2:05-cv-00527-MEF-SRW Document 92-2 Filed 01/25/2007 Page 7 of 12 Fatality AS\* 17 **ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT** MAR 2 5 2005 REV. 1791 5506412 Accident No Sheet 1 of 4 Sheet(s) Shaded Areas To Be Used By Data Processing Only Microfilm No Local Case No Day of Week Highway Classification: X M -Municipal Local Zone 03 | 07 | 2005 **⊚** L-Interstate S-State 7:16 **⊕**τwπ P --- Private Prop. 55 D-Federal C -County Month Day Year s O --Other OCATION AND TIME ection of or Between (Node 1) 91 - Dverlumen 92 - Fire Businskin 93 - Immerseyn NON COLLISION EVENT 98-Parts Conjugate from And (Node 2) 25 - Spill 26 - Rued Bridge Cultapaet U.S. 231 County Road 5532 94 - Gas Intelation County Road 330 27 - Jacobniked 12-Other Street or Read ← Code COLLISION EVENT 75 - Overper: Underger: 76 - Other Fined Orlyst 77 - Breakening Styn 78 - Residening Styn 70 - Twicolinne Bouth 90 - Gay West Light 80 - Gay West Light 81 - Overbread Orlyst 82 - Overbread Orlyst 83 - Overbread Orlyst 83 - Twister Bottom R. 93 - Twister Bottom R. 93 - Twister Bottom R. Fact From 1 or 2 S053 7248 7247 (Circle One) ntorsection Related Mile Post Hwy (6) N/A Frontage Rd 4 Entrance Rend Not Int Related 5 . 10 23 1 First Hameful 3 Distance to Fixed Object 20 N/A F7 38863 City and State Telephone No 1 Michael Duke 467 Longview Road 662 509-8281 Pontotoc, Ms. 01 | 12 | 1968 | Rate | Sex | DL State | Driver License No. UNIT List Restrict OL Crass IDL Status CDL Status | List Endorsements | Residence Less NO Nat Compiled With Not Complied With Than 25 Mile: Year W M Ms 800063742 Month Day Yes (No Place of Employment Lane Heard Trucking New Albany, Mississippi Liability insurance Co.
Great Casualty <u>4 12161-14131-19181518</u> LEFT 1 - No Defea Officer's 3 - Patigned Yes 1 Unk Type Test 1 No Test 1 -Blood Test a - Unine Test Test Results N/A Condition: 2 Approach Astro Sobriaty ⊕ Unka SCENE 4 - 10 Optaion 2 - Breath Test 4 - Unable to Admini Travel Road Name U.S. 231 Road Code S053 Travel Direction Other Contr Circumstance Prime Harm Event 01 N E 6 W 27 02 A - Not on Ref U - Uei Nate Frht Veh Year 2001 ΝÃ License Tag Numbe N/A N/A 1FUPCSZB01LG233001 COM N/A **VEH** Street of R F.D. 1010 Hickory: Ridge Drive Lane Heard Trucking State MS 38652 New Albamy Туре Hazardous Cargo Uzzgo Attachment Contributing Dufect Circle areas Damaged 1 - Auto 11 - Moped 1 - Persona t -None 10 - Police A None g - Wind 7 - Camper Trailer Mone None On Distanta 2 - Sta. Wagon 12 - M. Scooter z-Driver Trng. 11 - Other 2 - Mobile Home 2 - Explosive 8 - Towed Vehicle 1 - Brakes Under Carriage Windshield 74 (Q) 3 - Pick Up 3 - Construction 13 - Pedal Cycle Businese 3 - Gas (3)- Semi Trailer 2 - Steering 10 - Restrain! Sys 9 - Tanker ◐ - Ambulance/ 4 - Van 14- Farm Mach. 12 - Bus/Pass 4 - Flam/Combust Liq. 4 - Utility Trailer 10 - Pole Trailer 3 - Power Plant 11 - Wheels (5) Truck Tractor 15 - Train Paramedical Transport Λ. 5 - Flammable Solids 11- Double Trailer 4 - Succension 12-Truck 5 - Other Truck 16- Road Equip. 図 N/F 6 - Military 13 - Fire Fishing 5 - Oxidizer/Peroxide 6 - Bost Trains 5 Tires 95 - Other Coupling 7 - Comm Bus 17- Ridden Anima ps - Other **(7)** 7 - Poison 6 - Exhaust 13 - Cargo 13) 8 - School Bus 18 - M. Horne (R.V.) Transport Prop Oversized Load If Yes, Did Owner Placard 8 - Radioactive Material 14 - Fuel System O 9 - Other Rus 19 - ATV s - Agriculture Corrosive Naterial (Reg Permit) Have Permit? 98 - Other 99 - Udlam Yes No (NA) 8 - Tem Signal to-Motorcycle gs. Other Yes No WA Yes No (NA) 9 - Whecker/Tow 98 - Other 0 Speed Limit | Est. Speed | S55 MPH | S55 MPH | S55 MPH | S56 MPH | S66 MPH | Citation Offense Charged Damage Vehicle Towed Away? 1 - Non Visible Occupants in Unit 3-Olsabie Attachmen None Severity 2 - Not Disabled √ No Enter Point of To Where: Jacobs Towing (Rot) Jacobs Towing (Troy) initial impact City and State 12 Gerald Ruhnow 9655 N 1400 Avenue Osco, Il. 61274 Unk now-n UNIT o 01 | 11 | 1950 | Race | Sex | DL State | Driver License No. DL Class DL State CDL Status List Endorsements Residence Less Not Complied With Than 25 Miles NO List Restrictions
Not Complied With WM B Month Day IL R500-2925-0321 Year AM Yes (No) Place of Employment ight 8 Social Security No Liability Insurance Co Gerald Ruhnow Trucking Osco, Illinois Unknown Uiniki-inioi-iniu SCENE Driver 1 - No Defect

Yes 10 Unk Type Test 9 - No Test 3 - Figured Officer's I - Blood Test 3 - Unique Tess Test Results Condition: 2 - Apparently Asleq 5 · Refund 4 - 11 ①- Unkn Opinion Yes We Unk Civen: 4 - Umable to Admi (2)- Breath Test Travel Road Name
U.S. 231 Maneuver Road Code S053 N E S W A - Not on Rd U - Unit Other Contr Circumstance Prime Harm Event 01 Event Lot 20 Liconse Tag Number P429865 Veh Year 2003 VJN. Pub Year 2006 1XP5DB 9X23D590431 Owner's Name Street or R.F.O. Same as above State Type Hazardous Cargo Umre Circle areas Damaged On Diagram Contributing Defect Attachment 1 - Auto @ None 10 - Police 1 - None 7 - Camper Trailer Mone a - Windows 2 - Driver Tmg. 2 - Sta. Wagon 12 - Mt. Scooter 11 - Other 2 - Explosive a - Towed Vehicle 2 - Mobile Hom: Under Cam 1 - Brakes Windshield з - Pick Up 13 - Pedal Cycle 3 - Construction Business 3-Gas 3 Semi Trailer 6- Tacker - Staering 10 - Restraint Sys. ➅ Ω Ø 14 - Farm Mach. 4 - Ambulance/ 4 - Van 12 - Bus/Pass. 4 - Flam/Combust Lig. 4 - Utility Trailer 10 - Pole Trailer 3 - Power Plant 11 - Wheels S-Truck Trador 15-Train Paramedical Transmor S s - Flammable Solids 5 - Wheel Traiter 11 - Double Trader 4 - Suspension 12 -Truck 6 - Other Truck 16 - Road Equip **B** Na 5 - Military 13 - Fire Fighting 5 - Oxidizer/Peroxide 6 - Boat Trailer ®-Other 5 - Tires Coupling 7 - Comm Bus 17- Ridden Animal 6- Teor 98 - Other 7 - Poison V Ø 6 - Exhaust O 13 - Cargo 14 - Fuel System 6 - School Bus 16- M. Home (R.V.) Transport Prop Placate Oversized Load If Yes, Did Owner 8 - Radioactive Material 7 - Lights 9 - Other Bus 19 - ATV 8 - Agriculture 9 - Corrosive Material (Reg Permit) Have Permit? go - Other 6 - Turn Sinnal Yes No WA 10-Motorcycle 98-Other Yes No W 9 - Whecker/Tow 96 - Other Yes No (NA) 89 - Uniq Ò Speed Limit Est. Speed 255 MPH 55 MPH Citation Offense Charges Damage 1 - Non Visible 3 Disable 55 MPH 11 Atlachment None Severity Ø No 2 - Not Disabled Vehicle Towed By Whom: Jordan's Towing (Rot) Enter Point of To Where: Jordan's Towing (Troy) Initial Impact Contributing Circumstances Driver Maneuver 25-Vrh Rankedby Person
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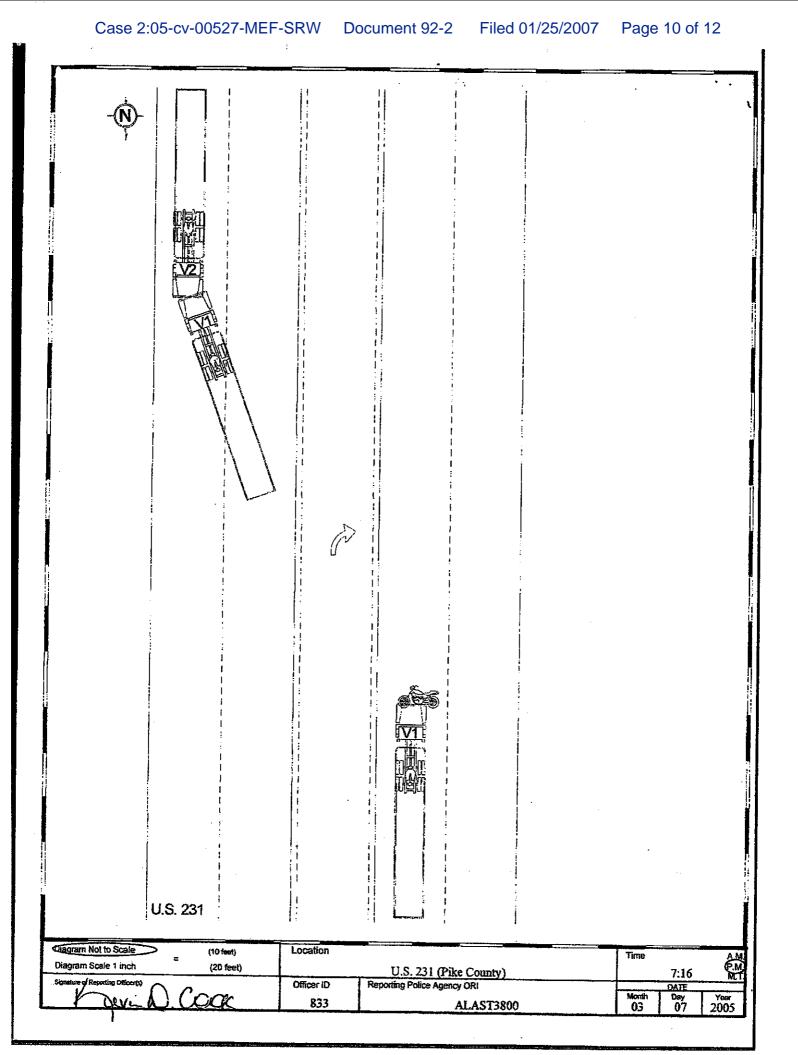
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[	Officer's Opinion of What Happened: Unit#2 was traveling north on U.S. 231. Unit#1 was traveling south on U.S. 231. A motorcycle from a previous accident that had just occurred was lying in the southbound lane of U.S. 231. Unit#1 topped the hill and struck the motorcycle lying the roadway. The motorcycle lodged underneath Unit#1 causing the fuel tanks to rupture and explode. Driver of Unit#1 lost control of the process of						
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Unit No1 (same as on main report)		raffic Accident F plemental Shee		AST-34T 194 _ <b>Shee</b> ts			
sale en 15 mars 1995 en 1895	General Inst	ructions					
Complete this form for each qualifying vehicle ONLY if the accident meets BOTH of the following criteria:  1. The accident involved a qualifying vehicle (truck with 6 or more tires or Haz/Mat placard, or a bus designed to carry 16 or more, including driver) and;  2. The accident resulted in at least one of the following: A. one or more fatalities B. one or more persons injured and taken from the scene for immediate medical attention, or C. one or more involved vehicles had to be towed from the scene as a result of disabling damage or had to receive assistance to leave.							
	Screening In	formation					
Number of Qualifying Vehicles: Trucks with 6 or more tires or Haz/Mat Buses designed to carry 16 or more (in Number of veh	cluding driver) 0	Number of Persons: Sustaining fatal in Transported for in to damage or provided assi	nmediate medical treatment	<u>}</u>			
	Vehicle Infor	mation					
Gross Vehicle Weight Rating (GVWR)	Hazardous Materi	al Involvement					
A. Truck, tractor or bus 16,500  B. Trailer or trailers (total) 65,000  Fotal GVWR for unit (A+B) 81500  Did vehicle have a Haz/Mat placardYesNo  If Yes, include following information from placard  A. Name or 4-digit number from diamond or box N/A  B. The 1 -digit number from bottom of diamond N/A							
Total number of axles5	Was hazardous	material released from THIS	S vehicle's cargo?Yes 🔀	_ No			
4. Truck with trailer 5. Truck tract	known class heavy truck  3. Cargo tank	Any other 4-fired vel     A. Flatbed	Tractor with double trailers				
NOTE: If NOT a motor carrier, enter NONE under	Motor Carrier I or Carrier Name, 0 for None und	A. S.	ers, and go to Sequence Of Events S	Section			
Carrier Name Lane Heard Trucking							
Source (circle one number) 1. Vehicle Carrier mailing address (Street or P.O. Box)  City, State, Zip New Albany, Mississippi 3	1010 Hickory Ridge Dri	-	4 Other				
Carrier Identification Numbers	None = 0)			_			
US DOT 00568612 ICC MC		E NO	STATE	<del></del> -			
	Sequence of	Events ###					
lote; for THIS vehicle - list up to four Eveni	#1 10 Event #2	6 Event #3	Event #4	**************************************			
Non-Collision 1. Ran off ros EVENT CODES  Collision With 9. Pedestrian	d 2. Jackknife s or shift 6. Explosion or fin 10. Non-parked vehi	-	8. Other non-collision				
13. Pedal cycle	•	15. Fixed object	12. Irain 16. Other object				
Signature of Reporting Officer  Out D. Co	Officer ID 833	Reporting Police Agency ORI  ALAST3800	Date Time 7 Mar 2005 7:16	9			

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## Alabama Uniform Traffic Accident Report

AST-34T 5506412

Unit No. 2 Truc (same as on main report)	ck/Bus Supp	lemental Sheet	5505472 Sheet <u>4</u> of <u>4</u> Sheet	eis				
	General Instru	ictions						
Complete this form for each qualifying vehicle ONLY if the accident meets BOTH of the following criteria:  1. The accident involved a qualifying vehicle (truck with 6 or more tires or Haz/Mat placard, or a bus designed to carry 16 or more, including driver) and;  2. The accident resulted in at least one of the following: A. one or more fatalities B. one or more persons injured and taken from the scene for immediate medical attention, or C. one or more involved vehicles had to be towed from the scene as a result of disabling damage or had to receive assistance to leave.								
	Screening Info	rmation						
Number of Qualifying Vehicles:  Trucks with 6 or more tires or Haz/Mat placard								
	Vehicle Inform	ation	The Association of the Company of th					
A. Truck, tractor or bus 15,000 Did vehicle have a Haz/Mat placard Yes No  B. Trailer or trailers (total) 25,000 If Yes, include following information from placard  A. Name or 4-digit number from diamond or box  B. The 1 -digit number from bottom of diamond  Was hazardous material released from THIS vehicle's cargo? Yes No								
Total number of axles5								
Vehicle Configuration (circle one number)  1. Bus Single unit truck (2 axles/ 6 or more tires) 3. Single unit truck (3 or more axles) 4. Truck with trailer 5. Truck tractor only (bobtail) 6. Tractor with semi-trailer 7. Tractor with double trailers 8. Tractor with triple trailers 9. Unknown class heavy truck 0. Any other 4-fired vehicle  Cargo Body Type (circle one number)  1. Bus 2. Van/enclosed box 3. Cargo tank 4. Flatbed 5. Dump  6. Concrete mixer 7. Auto transporter 8. Garbage/ refuse 9. Other								
	Motor Carrier Inf							
NOTE: If NOT a motor carrier, enter NONE under Carrier Name, 0 for None under Carrier Identification Numbers, and go to Sequence Of Events Section  Carrier Name Gerald Rubnow Trucking  Source (circle one number) 1. Vehicle side 2. Shipping papers 3. Driver (4.) Other								
Carrier mailing address (Street or P.O. Box) 9655	N 1400 Avenue							
City, State, Zip Osco, Illinois 61274								
,	e = 0) STATE	NO	STATE					
	Sequence of E	vents						
Note: for THIS vehicle - list up to four Event #1	10 Event #2	6 Event #3	Event #4					
CODES  Collision With 9. Pedestrian	Jackknife     ift 6. Explosion or fire  10. Non-parked vehice	•	4. Downhill runaway 8. Other non-collision 12. Train					
	14. Animal	15. Fixed object	16. Other object					
Signature of Reporting Officer  COO	Officer ID 833	Reporting Police Agency ORI  ALAST3800	7 Mar 2005 7:16	0				